UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO		
NATIONAL CREDIT UNION ADMIN. BOARD,	: : :	Case No. 1:15-CV-1606
Plaintiff,	:	
VS.	:	OPINION & ORDER [Resolving Doc. Nos. 23, 25]
JANKO NOVAK,	:	[
Defendant.	: : :	

## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this collection action, Plaintiff National Credit Union sued Defendant Janko Novak for the outstanding balance of a loan.<sup>1</sup> The parties consented to a Magistrate Judge hearing the case.<sup>2</sup> On May 25, 2016, the Plaintiff moved for partial summary judgment.<sup>3</sup> Shortly thereafter, on June 6, 2016, Defendant Novak filed notice of his Chapter 7 Bankruptcy.<sup>4</sup>

Following Defendant's bankruptcy filing, Magistrate Judge David Ruiz issued a Report and Recommendation ("R&R"). Magistrate Judge Ruiz recommended denying the Plaintiff's motion for summary judgment without prejudice, staying all further proceedings, and closing this case until bankruptcy proceedings conclude as required by 11 U.S.C. § 362.<sup>5</sup>

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of an R&R to which a party has made an objection.<sup>6</sup> Parties must file any

<sup>&</sup>lt;sup>1</sup> <u>Doc. 1</u>.

<sup>&</sup>lt;sup>2</sup> <u>Doc. 9</u>. This case was originally transferred to Magistrate Judge Kenneth McHargh. After Magistrate Judge McHargh's retirement, Magistrate Judge David Ruiz took over this case.

<sup>&</sup>lt;sup>3</sup> Doc. 23

<sup>&</sup>lt;sup>4</sup> Doc. 24.

<sup>&</sup>lt;sup>5</sup> <u>Doc. 25</u>. Magistrate Judge Ruiz recommended that this case should be subject to reopening upon motion from either party. This Court agrees.

<sup>&</sup>lt;sup>6</sup> 28 U.S.C. § 636(b)(1)(C).

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objections to an R&R within fourteen days of service. Failure to object within that time waives

a party's right to have the Court review the R&R.8 Absent objection, a district court may adopt

the R&R without review.9

In this case, neither party has objected to the R&R. Moreover, having conducted its own

review of the record, this Court agrees with the conclusions of Magistrate Judge Ruiz.

Accordingly, the Court ADOPTS in whole Magistrate Judge Ruiz's R&R and

incorporates it fully herein by reference. The Court **DISMISSES WITHOUT PREJUDICE** the

Plaintiff's motion for partial summary judgment.

IT IS SO ORDERED.

Dated: January 5, 2017

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>7</sup> Fed. R. Civ. P. 72(b)(2); LR 72.3(b).

<sup>8</sup> LR 72.3(b); see *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

<sup>9</sup> See Thomas, 474 U.S. at 149.

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